



## Legislative Bulletin..... March 21, 2001

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### **H.Con.Res. 43—Authorizing the Printing of a Revised and Updated Version of the House Document: “Black Americans in Congress, 1870-1989” (Hoyer)**

**Order of Business:** The resolution is scheduled to be considered under a motion to suspend the rules on Wednesday, March 21.

**Summary:** The resolution would authorize the updating and re-printing of House Document 101-117, entitled “Black Americans in Congress, 1870-1989.” There would be an extra 30,700 copies printed—25,000 for the use of the Committee on House Administration and 5,700 for the use of the Committee on Rules and Administration of the Senate.

**Additional Background:** A “normal” printing of a House document is 1,800 copies. But this type of printing, i.e. a printing of a document that Members will want to distribute to constituents, is usually much higher. When this document was last updated in 1989, there were also 30,700 copies printed.

**Cost to Taxpayers:** According to the Committee on House Administration, the cost would be less than \$100,000.

**Does the Bill Create New Federal Programs or Rules?:** The resolution would authorize the Government Printing Office to print the updated version of the document.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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# **H.R. 1042 – To Prevent the Elimination of Certain Reports**

**Order of Business:** The bill will be considered under suspension of the rules

**Summary:** When Republicans took over control of Congress in the 1995, we passed a bill to sunset and reform more than 200 congressionally mandated reporting requirements. The bill allowed four years (1999) until the sunset provision kicked in and eliminated those reports with an annual, semiannual, or regular periodic reporting requirement. According to floor statements in 1995, Congress receives over 5,300 congressionally mandated reports a year at an estimated annual administrative cost as high as \$240 million a year, and the GAO determined that “Congress imposes about 300 new requirements on Federal agencies each year.”

Rep. Erhlich, who carried the bill for the House at the time, noted that the 4-year time span allowed Members to reauthorize those reports deemed necessary for carrying out effective congressional oversight. H.R. 1042 reestablishes 29 of these sunsetted reports related to the Science Committee.

*A similar bill that un-sunsetted 30 reports passed the House last year on 4/3/2000 by voice vote, but was never taken up in the Senate.*

**Cost to Taxpayers:** No CBO estimate is available nor was a CBO report filed for the 106<sup>th</sup> version of the bill.

**Constitutional Authority:** A committee report citing authority is not available.

**Does the Bill Create New Federal Programs or Rules:** YES. The bill reauthorizes 29 congressionally mandated reports that were sunsetted in 1999 in accordance with the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note).

The unsunsetted reports include:

- 1) an annual report on the National Climate Program (a program first started by President Carter in 1978)
- 2) a report every four years regarding activities of the National Climate Program
- 3) at least an annual report from the Committee on Earth and Environmental Sciences regarding federal global change research priorities, policies, and programs
- 4) an NSF report on activities of the Committee on Equal Opportunities in Science and Technology
- 5) a biennial NSF report on women and minorities in science and technology
- 6) a biennial NSF report on university research facilities' needs
- 7) an annual report on the NSF high-performance computing program
- 8) an annual NSF report on NSF activities and patents
- 9) an annual report on placements of minorities, women and handicapped people in the NSF
- 10) an annual commerce report on the activities relating to fire prevention and control

- 11) an annual report on the National Weather Services modernization plan (until completed)
- 12) a report, when modifications are made regarding the Malcolm Baldrige award (a 1987 program established in honor of a former commerce secretary run out of the Commerce Department at a federal cost of \$5 million per year. Congress established the award program to recognize U.S. organizations for their achievements in quality and business performance and to raise awareness about the importance of quality and performance excellence as a competitive edge. Three awards may be given annually in each of these categories: manufacturing, service, small business, education and health care. <http://www.baldrige.org/>)
- 13) a biennial Presidential report on U.S. energy
- 14) an annual Presidential report on critical technologies
- 15) a biennial Presidential report on marine science
- 16) an annual report regarding aeronautics and space activities
- 17) an annual report regarding the Communications Satellite Corporation
- 18) an annual report on the National Critical Materials Council
- 19) An annual Commerce report on the National Institute of Standards and Technology's (NIST) Visiting Committee on Advanced Technology
- 20) an annual report on National Technical Information Service (NTIS) activities
- 21) a biennial report from Commerce on the utilization of federal technology
- 22) an annual report on the Great Lakes Research Office
- 23) an annual report from FAA and NASA on the aircraft noise research program
- 24) a report before funding and operating a new federally funded research centers with DoD funds
- 25) a report if the head of the executive agency uses any procedure other than a competitive procedure (which currently he may do if "it is necessary in the public interest to use procedures other than competitive procedures.")
- 26) a biennial report on the activities and achievements of the national earthquake hazards reduction program.
- 27) an annual report on the federal lab consortium for technology transfer
- 28) an annual report on the state of science and engineering from the National Science Foundation (NSF)

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## **H.R. 1098—The Maritime Improvement Act of 2001 (Young, Don)**

**Order of Business:** The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, March 21.

**Summary:** This bill would authorize \$500,000 to build an addition to the American Merchant Marine Memorial Wall of Honor in San Pedro, CA. The bill would also improve the recording and discharging of maritime liens by extending the laws for preferred mortgages

to such liens. The bill also makes certain technical adjustments and exceptions for certain specific vessels under listed circumstances.

**Cost to Taxpayers:** No CBO estimate is available at the time of this writing, but the bill specifically authorizes \$500,000 to fund an addition to the American Merchant Marine Memorial Wall of Honor in San Pedro, CA.

**Does the Bill Create New Federal Programs or Rules?:** YES: the grant to the American Merchant Marine Memorial and the extension of laws regarding preferred mortgages to valid liens against maritime vessels.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 1099— The Coast Guard Personnel and Maritime Safety Act of 2001 (Young, Don)**

**Order of Business:** The bill is scheduled to be considered under a motion to suspend the rules on Wednesday, March 21.

**Summary:** The bill is largely made up of policy provisions that were originally included in the Coast Guard Reauthorization Act from the 106<sup>th</sup> Congress. The Reauthorization bill was passed by the House on March 17, 1999 by a vote of 424-7 (Roll Call #55), but was never reported from the Conference Committee. Note: the bill under consideration does not include a broad authorization for Coast Guard appropriations.

The provisions of this bill can be divided into three main areas: 1) those that make changes in laws governing Coast Guard personnel, 2) those that deal with Coast Guard and marine safety, and 3) miscellaneous adjustments to Coast Guard operations and policies.

**Coast Guard personnel:** This bill would:

- Allow the Coast Guard Band Director to be promoted from the rank of Commander to Captain
- Authorize the Secretary of Transportation to give leaves of absence to personnel in isolated duty stations
- Permit the Coast Guard to promote officers ahead of their peers within a given promotion zone.

**Coast Guard and marine safety:** This bill would require foreign-flag ships to monitor radio-telephone frequencies among ships when operating within U.S. waters between three and twelve miles offshore. Six reports eliminated by the Federal Reports Elimination and Sunset Act of 1995 would be reinstated:

- Coast Guard Operations and Expenditures

- Summary of Marine Casualties Reported During Prior Fiscal Year
- User Fee Activities and Amounts
- Conditions of Public Ports of the United States
- Activities of Federal Maritime Commission
- Activities of Interagency Coordinating Committee on Oil Pollution Research.

The Coast Guard would be authorized to borrow up to \$100 million for oil spill cleanup, but the funds would have to be repaid by the responsible parties. Civil penalties for negligent maritime operations or the interference with safe maritime operation would be raised from \$1,000 to \$5,000 for recreational vessels and \$25,000 for commercial vessels.

The existence of six Coast Guard advisory committees would be extended through September 30, 2005: Commercial Fishing Industry Vessel Advisory Committee, Houston-Galveston Navigation Safety Advisory Committee, Lower Mississippi River Waterway Advisory Committee, Navigation Safety Advisory Council, National Boating Safety Advisory Council, and Towing Safety Advisory Committee. Some advisory committees are funded with secretarial support and/or pay and travel expenses for the committee members.

The Coast Guard would be required to report to Congress within 90 days the progress on implementing the NTSB's recommendations following the "Morning Dew" accident and to study expanding waterway safety committees (which are normally for safety at small harbors) to include small and medium-size ports.

The State Recreational Boating Safety Grant Program would have its federal funding increased by \$1 million, from \$82 million to \$83 million.

Miscellaneous: This bill would allow the Coast Guard to accept up to 7 PC-170 patrol ships from the Navy, without cost to the Coast Guard.

Commercial vessels entering U.S. waters would be required to notify the Coast Guard 24 hours prior to entry of:

- The name of the vessel
- The destination of the vessel
- The time of entry into U.S. waters
- Any dangerous cargo aboard
- Any hazardous conditions on the vessel
- Any additional information "to demonstrate compliance with applicable international agreements to which the United States is a party."

The Coast Guard would be authorized to operate a vessel to provide technical assistance, including law enforcement training, to foreign coast guards, navies, or other maritime services.

The prohibition of the implementation of any new maritime user fees would be extended from September 30, 2001, to September 30, 2006. The Coast Guard would be required to continue

to offer advice and technical assistance to organizations in the Great Lakes region that maintain lighthouses.

The bill would authorize the conveyance of the Naval Reserve Pier in Portland, Maine, to a private development corporation (provided that the corporation lease portions of the property to the U.S. government for 30 years without any additional direct payment). The bill would also authorize the conveyance of the Slip Point Light Station in Clallam County, Washington, to the County, and Point Pinos Light in California to the City of Pacific Grove, California. In both cases, the Coast Guard would still have to be allowed access to the property at any time for the purpose of maritime assistance.

The Coast Guard would be allowed to contract with public and private foreign and domestic entities for the performance of work at the Coast Guard Yard in Baltimore.

**Possible Concerns**: The bill would allow the Coast Guard to contract with foreign companies to perform work at Coast Guard Yard in Baltimore. The bill would also authorize the Coast Guard to provide technical assistance to foreign maritime forces.

**Cost to Taxpayers**: No CBO estimate is available at the time of this writing, but some costs associated with this bill include:

- The \$1 million increase in a grant program
- The costs associated with the extension of six Coast Guard advisory committees (pay, travel expenses, and per diem for committee members on several of the committees, plus secretarial support for some of the committees)
- The costs of maintaining a vessel to provide technical assistance for foreign maritime forces
- The costs associated with the reinstatement of six reports eliminated after the enactment of the Federal Reports Elimination and Sunset Act of 1995.

On the other hand, the government may save or increase revenues from the following provisions:

- Increased civil penalties for negligence or interference with safe operation of vessels
- Disposals of certain federal property

**Does the Bill Create New Federal Programs or Rules?**: YES, as discussed in the summary above:

- The reinstatement of six federal reports
- The extension of six Coast Guard advisory committees
- Requirements for ships to notify the Coast Guard 24 hours before entering U.S. waters
- Requirements for the Coast Guard to offer assistance for lighthouse maintenance in the Great Lakes region, to report to Congress about the progress of changes after the “morning Dew” accident, and to study waterway safety committee expansion to small and medium-size ports.

**Constitutional Authority**: A committee report citing constitutional authority is unavailable.

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## **H.R. 496 — Independent Telecommunications Consumer Enhancement Act of 2001(Cubin)**

**Order of Business:** The bill will be considered under suspension of the rules on Wednesday.

**Summary:** The bill changes portions of the 1996 Telecommunications Act in its application to certain small companies that provide phone line service to less densely populated (rural) regions and make up less than 2% of the nation's subscriber lines. The 1996 Act noted the contribution of the 2% carriers but imposed regulations on the carriers that also apply to the so-called "Ma Bells" and "Baby Bells." A group of 14 2% carriers petitioned the FCC to waive a number of regulations, but the FCC denied most of the request in May 1999. As a result, 2% carriers argue that the regulatory burdens imposed by the FCC prevent them from being "fully competitive in a competitive environment." H.R. 496 would 1) exempt 2% carriers from some of the FCC regulations; 2) create a separate evaluation procedure before the FCC may impose or enforce regulatory requirements on 2% carriers; 3) limit paperwork, cost-reporting, and office requirements; 4) modifies tariff regulations; and 5) set deadlines for acting on 2% carrier petitions, such as merger petitions.

**Cost to Taxpayers:** While the CBO estimates that implementing would cost the FCC about \$3 million the first year and \$2 million a year thereafter, CBO also estimates "no significant impact on the federal budget" because the FCC offsets its enforcement and regulatory costs by fees charged to the telecommunication industries. The bill sponsors dispute the CBO/FCC estimate and contend that since the bill is deregulatory in nature, the FCC should not incur any additional costs as a result of the legislation.

**Constitutional Authority:** The Committee finds Constitutional authority under Article I, section 8, clause 3 (commerce clause).

**Does the Bill Create New Federal Programs or Rules:** According to FCC information provided to CBO, upon implementation of this bill, the FCC will need more staff to investigate the costs incurred by small telecommunications carriers, which the bill would exempt from certain reporting requirements. The FCC also would have to hire additional personnel to review merger, reconsideration, and waiver petitions in order to meet the bill's 60-day merger petition deadlines and 90-day reconsideration and waiver petition deadlines. The bill's sponsors dispute the FCC contention that additional staff or resources would be required to carryout this act.

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## **H.R. 802— Public Safety Officer Medal of Valor Act of 2001 (Smith, Lamar)**

**Order of Business:** H.R. 802 will be considered on Wednesday, March 14, 2001, under suspension of the rules.

**Summary:** This bill would authorize the creation of a Public Safety Medal of Valor to be awarded as the nation's highest honor to public safety officers (including paid or unpaid firefighters, law enforcement officers—such as court or civil defense officers, and emergency services officers) who exhibit extraordinary behavior “beyond the call of duty” (as cited by the Attorney General). The bill would also establish a Medal of Valor Review Board whose members would be appointed by Congress and the president to choose the medal recipients. Within the Department of Justice, there would also be established a Medal of Valor office to support the work of the Review Board. H.R. 802 would also eliminate the “President's Award For Outstanding Public Safety Service.”

An identical bill, H.R. 46, passed the House by a vote of 412 to 2 (R.C. # 81) on April 13, 1999, and passed the Senate with an amendment by unanimous consent on December 15, 2000. The Senate and the House never reconciled the two versions of the bill.

**Cost to Taxpayers:** For H.R. 46, the CBO estimated that the implementation of this legislation would cost about \$250,000 annually. Most of this cost is associated with the Board's hearings and the administrative services of the support office in the Department of Justice.

**Does the Bill Create New Federal Programs or Rules?:** YES:

- A Medal of Valor Review Board
  - The Board may hold hearings and pay for the per diem and travel expenses of witnesses
  - Non-government members of the Board will be paid daily in accordance with level IV of the Executive Schedule for federal employees and may be compensated for travel expenses.
- A National Medal of Valor Office within the Justice Department to provide administrative support

**Constitutional Authority:** The committee report for H.R. 46 finds constitutional authority in Article I, section 8, but does not cite a specific clause.

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## **H.R. 247—Tornado Shelters Act (Bachus)**

**Order of Business:** This bill will be considered under an open rule.

**Summary:** This bill would amend the Housing and Community Development Act of 1974 to allow community development block grants (CDBG) to be used to build tornado shelters in manufactured home parks with 20 or more units in states where tornadoes have occurred in any of the three preceding fiscal years. The bill also authorizes loans and grants to nonprofit and for-profit entities (including the owners of the manufactured home parks) for the construction or improvement of tornado shelters. Shelters would have to meet federal standards of construction and safety, be big enough to fit all the residents of the housing park at one time, and be in a housing park that has or is located sufficiently near a tornado warning system.

**Cost to Taxpayers:** This bill would authorize no new money.

**Does the Bill Create New Federal Programs or Rules?:** No, the bill expands the number of permissible uses for community development block grant (CDBG) funds.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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